

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2:09-CV-211 JCM (LRL)

WALTER J. RUIZ and MILLICENT Z.
RUIZ, individually and as husband and
wife,

Plaintiffs,

v.

CITY OF MESQUITE, et al.,

Defendants.

ORDER

Presently before the court is plaintiffs' Federal Rule of Civil Procedure 60(b) motion to set aside order filed September 24, 2010, and request for status check. (Doc. #43).

Plaintiffs argue that their failure to serve defendants as required by Federal Rule of Civil Procedure 4(m) was due to excusable neglect, and urge the court to set aside the order dismissing defendants M.D. Clayton Fuller, D.O. Darrin F. Houston, M.D. Robert Foster, and Mesa View Regional Hospital (doc. #42). However, the court dismissed these defendants without prejudice, and the plaintiffs are at liberty to remedy their alleged "excusable neglect" without the requested relief from this court.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion to set aside this court's September 24, 2010, (doc. #43) order is DENIED.

1 IT IS FURTHER ordered that a status check in this case is set for Wednesday, December 29,
2 2010, at 10:00 a.m. in Courtroom 6A.

3 DATED this 3rd day of December, 2010.

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6 UNITED STATES DISTRICT JUDGE